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Art Unit: 2878**

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**From: Winston Hsu, Registration No. 41,526**

**Serial No.: 10/707,339**

**Attorney Docket No.: PMXP0170USA**

**Subject: Response to the Office Action mailed on 10/06/2005**

**Total Pages: 9 pages (including cover page)**

**Winston Hsu 12/20/2005**

**PMXP0170USA0\_A2\_1**

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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<b>TRANSMITTAL FORM</b>		Application Number	10/707,339
(to be used for all correspondence after initial filing)		Filing Date	12/05/2003
		First Named Inventor	TZU-Chiang Shih
		Art Unit	2878
		Examiner Name	Williams, Don J
Total Number of Pages in This Submission	8	Attorney Docket Number	PMXP0170USA

ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):	
<input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer		
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD		
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	North America Intellectual Property Corporation		
Signature	<i>Winston Hsu</i>		
Printed name	Winston Hsu		
Date	12/20/2005	Reg. No.	41,526

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Janice Chen</i>		
Typed or printed name	Janice Chen	Date	12/20/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which it to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <p><b>FEE TRANSMITTAL</b> For FY 2005</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p><b>Complete If Known</b></p> <table border="1"> <tr> <td>Application Number</td> <td>10/707,339</td> </tr> <tr> <td>Filing Date</td> <td>12/05/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>TZU-Chiang Shih</td> </tr> <tr> <td>Examiner Name</td> <td>Williams, Don J</td> </tr> <tr> <td>Art Unit</td> <td>2878</td> </tr> <tr> <td>Attorney Docket No.</td> <td>PMXP0170USA</td> </tr> </table>		Application Number	10/707,339	Filing Date	12/05/2003	First Named Inventor	TZU-Chiang Shih	Examiner Name	Williams, Don J	Art Unit	2878	Attorney Docket No.	PMXP0170USA
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TOTAL AMOUNT OF PAYMENT	(\$ 0.00)														

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<b>3. APPLICATION SIZE FEE</b>																																																													
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																																																													
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Other: _____																																																													

<b>SUBMITTED BY</b>							
Signature	<i>Winston Hsu</i>		Registration No. 41,526 (Attorney/Agent)	Telephone 302-729-1562			
Name (Print/Type)	Winston Hsu		Date 12/20/2005				

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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METHOD AND APPARATUS FOR REAL-TIME DETERMINING COMPATIBILITY OF A  
WORKING SURFACE WITH AN OPTICAL MOUSE

Appl. No. : 10/707,339 Confirmation No.: 1338  
Applicant : TZU-Chiang Shih  
Filed : December 5, 2003  
TC/A.U. : 2878  
Examiner : Williams, Don J  
Docket No. : PMXP0170USA0  
Customer No. : 27765

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

## AMENDMENT

5 Sir:

In response to the Office action of October 6, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

10 Remarks/Arguments begin on page 5 of this paper.